

Judge Benjamin H. Settle

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

The United States of America, by Jenny A. Durkan, United States Attorney for the Western District of Washington, and Gregory A. Gruber, Assistant United States Attorney for said District, submits this Motion for Extension of Time to Respond to Defendant's Motion to Withdraw Guilty Plea. For the reasons set forth below, this motion should be granted.

## **FACTUAL AND PROCEDURAL BACKGROUND**

As this Court is fully aware, the parties in this case submitted to a settlement conference that ultimately led to defendant Williams entering into a plea agreement and pleading guilty in this case. That guilty plea was heard and accepted by Judge Zilly, and sentencing was scheduled before this Court (in both this case and the separate armed robbery case on which defendant was convicted after a jury trial). Due to the filing of the present defense motion, that joint sentencing hearing was vacated. The government's response to the motion is due tomorrow, September 6, 2013.

## **NEED FOR MORE TIME TO RESPOND**

Lead counsel for the United States was out of State when the present motion was filed last Friday. The following Monday was the Labor Day holiday. The undersigned returned to his office two days ago, which was his first chance to read the motion. The motion and related documents total 29 pages, including a declaration by the defendant and 18 pages of transcript from the change-of-plea hearing. Due to other commitments and responsibilities in other cases, the undersigned has not had a chance to fully review those materials or fully turn to the government's response.

More importantly, the unique nature of this motion and its heavy reliance on brand new U.S. Supreme Court precedent, requires that the undersigned fully consult with his superiors in the United States Attorney’s Office as to what the government’s position will be in this matter. Further complicating the timing of the government’s response, the undersigned is also scheduled to be out of the district for two days late next week (on matters related to another case pending trial). The government hopes and anticipates that its response can be determined, written, and filed, by early the following week. Thus, in an abundance of caution, the government is seeking a two week extension in this matter.

The undersigned has spoken to defendant Williams' counsel, Mr. Olbertz, who has no objection to the requested extension.

Wherefore, the United States respectfully requests that the period for the filing of the government's response be extended by two weeks, to September 20, 2013.

Dated: this 6th day of September, 2012.

Respectfully submitted,

JENNY A. DURKAN  
United States Attorney

s/Gregory A. Gruber  
GREGORY A. GRUBER  
Assistant United States Attorney

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4                   WESTERN DISTRICT OF WASHINGTON  
5                   AT TACOMA

6                   UNITED STATES OF AMERICA,         )  
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v.    )  
12                   CHAUNCEY L. WILLIAMS,         )  
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17    )  
Defendant.    )

CASE NO. CR12-5087BHS

ORDER GRANTING  
GOVERNMENT'S MOTION  
FOR EXTENSION OF TIME  
TO RESPOND TO DEFENSE  
MOTION TO WITHDRAW  
GUILTY PLEA

Noted: September 6, 2013

The United States of America has moved, without objection, for a two week extension in which to file its response to the pending defense motion to withdraw guilty plea. After reviewing the government's motion, and the reasons stated therein, the Court concludes that an extension is appropriate. Hence, the government's motion for a two week extension is HEREBY GRANTED. The government's response is now due on or before September 20, 2013.

DATED this 6<sup>th</sup> day of September, 2013.

  
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BENJAMIN H. SETTLE  
United States District Judge

Proposed by:  
s/ Gregory A. Gruber  
GREGORY A. GRUBER  
Assistant United States Attorney